THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25153 OF 2005

Dt.25.11.2005

Between:

J.V.Chenna Reddy

… Petitioner

And

The Joint Collector, Kurnool,

Kurnool District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner was appointed as Fair Price Shop dealer of Kotapadu Village, Sirvel Mandal, Kurnool District, and his authorization was suspended by order dated 2.3.2005 by the Revenue Divisional Officer, Nandyal, pending enquiry. Against the said order of suspension, the petitioner filed an appeal on 4.3.2005 before the Joint Collector, Kurnool. Though the said appeal was admitted, no orders have been passed on the stay application. Therefore, the petitioner filed W.P.No.4857 of 2005 to declare the proceedings

dated 2.3.2005 passed by the 2nd respondent as illegal and in violation of principles of natural justice. As the appeal is pending before the first respondent, this Court disposed of the said writ petition directing the Joint Collector/appellate authority to consider and dispose of the stay application pending disposal of the appeal within one week from the date of receipt of copy of the said order. The Joint Collector disposed of the main appeal itself by order dated 10.5.2005 upholding the order of the Revenue Divisional Officer in suspending the authorization pending enquiry, but, however, directed him to dispose of the case expeditiously.

The learned counsel for the petitioner submits that though the authorization of the petitioner was suspended on 2.3.2005 by the Revenue Divisional Officer, no show cause notice has been issued so far and the suspension order has been worked out for more than eight months and therefore the said action of the respondents amounts to punishing the petitioner for quite a long period.

As the first respondent himself directed the Revenue Divisional Officer to dispose of the case expeditiously, I am of the opinion that there is no justification on the part of the 2nd respondent in not initiating any action for completing the pending enquiry as he has suspended the authorization of the petitioner as long back as on 2.3.2005.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the 2nd respondent is directed to issue a show cause notice to the petitioner within ten days from the date of receipt of a copy of this order after giving reasonable opportunity of seven days for filing explanation and after receiving the same within the prescribed time, the 2nd respondent may complete the enquiry and pass appropriate orders within two weeks thereafter. Failing which, the suspension order stands revoked and the petitioner shall be permitted to carry out his business.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

25.11.2005

Note: Issue copy within three days

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